

## Chapter 2.64

## COUNTY OFFICE HOURS

## Sections:

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|----------|---|
| 2.64.010 | Hours designated.                                 |
| 2.64.020 | Early closing when.                               |
| 2.64.030 | Provisions for the Friday following Thanksgiving. |

## 2.64.010 Hours designated.

Under the provisions of Section 24260 of the Government Code of the state, the board of supervisors of the county shall fix the hours and days that county offices shall be open for the transaction of business.

Pursuant to that authority, the offices of the county shall be open for business from nine a.m. to five p.m., Monday through Friday, holidays excepted, or upon a showing of special circumstance by resolution of the Board adopted on a four-fifths vote of the board. (Ord. 89-212-B § 1, 1989; Ord. 76-212-A § 1, 1976; Ord. 212 (part), 1949.)

## 2.64.020 Early closing when.

If the dates of December 24th or December 31st fall upon the days of Monday through Friday, inclusive, all county offices shall be closed for business from noon until midnight, except as the same may be within the employment practices as to nurses and related personnel at the Mono General Hospital and personnel of the sheriff's department. (Ord. 414 § 1, 1971.)

## 2.64.030 Provisions for the Friday following Thanksgiving.

On the Friday following the Thursday dedicated to the Thanksgiving holiday, all county offices shall be closed for business, except as the same may be within the employment practices as to nurses and related personnel at the Mono General Hospital, and personnel of the sheriff's department. (Ord. 73-425-A § 1, 1973.)

Chapter 2.68  
PERSONNEL SYSTEM

## Sections:

2.68.010	Short title.
2.68.020	Definitions.
2.68.030	Holidays.
2.68.040	Application.
2.68.050	Qualifications and appointment of employees.
2.68.060	Relative employment restrictions.
2.68.070	Employee direction.
2.68.080	Salary basis.
2.68.090	Position classification and salary.
2.68.100	Sick leave.
2.68.110	Vacation with pay.
2.68.120	Leave of absence due to death or critical illness in family.
2.68.130	Leave of absence without pay.
2.68.140	Attendance records and reports.
2.68.150	Military leave of absence.
2.68.160	Jury duty.
2.68.170	Elective board.
2.68.180	Outside employment—Restrictions.
2.68.190	Outside employment—Prohibited when.
2.68.200	Outside employment—Written disclosure.
2.68.210	Probationary employment.
2.68.220	Disciplinary action—Generally.
2.68.230	Disciplinary action—Causes.
2.68.240	Initiation of discipline—Review by district attorney.
2.68.250	Commencement of disciplinary action.
2.68.270	Initiating final discipline.
2.68.280	Emergency disciplinary action.
2.68.290	Effective date of disciplinary action.
2.68.300	Personnel appeals board—Composition.
2.68.301	Appeals—Procedure.
2.68.302	Appeals—Hearing.
2.68.303	Appeal—Findings.
2.68.304	Exhaustion of administrative remedies.
2.68.305	Rehearings.

2.68.306	Grievance—Definitions.
2.68.307	Grievance—Appeals board.
2.68.308	Grievance—Rule and objectives.
2.68.309	Grievance procedure.
2.68.310	Grievance—Confidentiality.
2.68.311	Layoff—Causes.
2.68.312	Layoff—Authority.
2.68.313	Layoff order—Seniority.
2.68.314	Layoff—Notice.
2.68.315	Preferential rehire rights.
2.68.316	Health insurance.
2.68.317	Seniority lists.
2.68.330	Appointment date.
2.68.340	Salary step increases.
2.68.350	Salary adjustment—New position.
2.68.360	Salary adjustment—Interdepartmental transfer.
2.68.370	Overtime—Sheriff's department.
2.68.380	Overtime—Generally.
2.68.390	PERS 1959 Survivors' Benefits Program.

## 2.68.010 Short title.

The ordinance codified in this chapter shall be known as the "Mono County personnel ordinance." (Ord. 78-425-I § 1 (part), 1979; Ord. 72-425 § 1, 1972.)

## 2.68.020 Definitions.

The following terms as used in this chapter shall, unless the context indicates otherwise, have the respective meanings set forth in this section:

1. "Appointing authority" means any person, board or commission having authority to make appointments to a position.
2. "Board of supervisors" means the board of supervisors of Mono County.
3. "Business days" means calendar days exclusive of Saturdays, Sundays and legal holidays.
4. "Continuous service" means permanent employment in a position with the county without interruption except for authorized absences or absence to serve in the Armed Forces of the United States.
5. "County" means Mono County.
6. "Demotion" means involuntary reduction, for disciplinary or medical reasons, of an employee who has permanent status in a position of employment with the county to another position having decreased wages or benefits.
7. "Department head" means the head of an established office or department having supervision of such department or office, and also includes all elected officers.

8. "Discipline" means dismissal, suspension without pay or demotion of an employee.

9. "Dismissal" means removal of a permanent or permanent part-time employee for cause.

10. "Employee" means any person holding a position of employment with the county which has been duly established by ordinance or resolution of the board (including department heads and appointed officers but excluding elected officials and officers and judicial officials and officers).

11. "Hearing" means the procedure whereby the personnel appeals board elicits facts necessary for determination of an appeal of disciplinary action by an employee.

12. "Layoff" means termination of an employee, without prejudice, because of lack of available work, lack of available funds, reorganization or similar reason.

13. "Officers" means all county officers, whether appointed or elected.

14. "Pay" means salary, wage, fee or allowance, including any and all benefits, paid an employee for performing the duties of a position.

15. "Permanent positions" means any office or employment with the county of Mono which has been duly authorized by the board of supervisors of Mono County and which requires the full-time or part-time employment of one or more persons.

16. "Permanent status" means status of an employee who is legally retained in a position after successful completion of a probationary period.

17. "Personnel appeals board" means a board consisting of the five members of the board of supervisors of Mono County, of which three members shall sit on any particular appeal.

18. "Probationary status" means the status of an employee who has been certified and appointed to a permanent position but has not completed the probationary period for that position.

19. "Probationer" means an employee who has probationary status.

20. "Reassignment" means assignment of an employee, without examination, from one position within a department to another position in the same department in the same class and pay range.

21. "Reduction in lieu of layoff" means the voluntary reduction, for reasons related to lack of funds, lack of work reorganization, of an employee who has permanent status in a position having a lower level in terms of wages and/or benefits.

22. "Reemployment" means the reemployment, without examination, of employees or previous employees reduced in lieu of layoff or terminated due to layoff.

23. "Rejection" means termination of a probationer from a position for failure to satisfactorily complete the terms of probation.

24. "Restoration" means return of an employee to a position which permanent status was formerly held.

25. "Seniority" means the total length of the most recent full-time, continuous paid employment with the county.

26. "Suspension" means an involuntary absence without pay for disciplinary reasons.

27. "Temporary employee" means an employee hired on a temporary basis, for a position without an authorized classification, who shall not attain the status of a probationary or permanent employee.

28. "Transfer" means the voluntary movement, without examination, of an employee from one position to a similar position in the same class and pay range in another department; or to a similar position with equal minimum qualifications, and same pay range, either in the same or another department (Ord. 78-451-I § 1 (part), 1978: Ord. 72-425 § 2 (part), 1972.)

#### 2.68.030 Holidays.

A. The following are established as holidays:

1. January 1st;
2. February 12th, known as "Lincoln Day";
3. The third Monday in February;
4. The last Monday in May;
5. July 4th;
6. The first Monday in September;
7. September 9th, known as "Admission Day";
8. The second Monday in October, known as "Columbus Day";
9. November 11th, known as "Veterans Day";
10. The Thursday in November appointed as Thanksgiving Day and the Friday following Thanksgiving Day;
11. December 25th;
12. The third Monday in January, known as "Martin Luther King Day";
13. The day chosen by an employee pursuant to subsection C;

14. Every day appointed by the President or Governor for a public fast, thanksgiving or holiday.

B. If January 1st, February 12th, July 4th, September 9th, November 11th, or December 25th falls upon a Sunday, the Monday following is a holiday. If said holidays fall upon a Saturday, the Friday preceding is a holiday; and further shall be a holiday for the superior, municipal and justice courts in the county in accordance with Government Code Section 6701.

C. Every employee shall be entitled to one personal holiday per calendar year. The appointing authority may

require the employee to provide five working days' notice in advance of the personal holiday.

D. If the dates of December 24th or December 31st fall upon the days Monday through Friday, inclusive, all county offices shall be closed for business from noon until midnight, except as the same may be within the employment practices as to nurses and related personnel at the Mono General Hospital and personnel of the sheriff's department. (Ord. 85-425-W § 1, 1985; Ord. 84-425-U § 2, 1984; Ord. 82-425-P § 2, 1982; Ord. 81-425-N § 1, 1981; Ord. 78-425-I § 1 (part), 1978; Ord. 76-425-F § 1, 1976; Ord. 74-125-D § 1, 1974; Ord. 74-425 § 2(K), 1972.)

#### 2.68.040 Application.

The provisions of this chapter shall apply to all county employees subject to the following exceptions:

A. Should a conflict exist between the provisions of this chapter and the duties, rights and obligations of any elected official pursuant to any state or federal law, the provisions of such state or federal law shall prevail to the extent inconsistent with this chapter.

B. The provisions of this chapter shall in no way preclude or prevent the filing of an appeal to any local, state or federal agency should such right exist prior to the effective date of this chapter.

C. Should the county negotiate and execute an MOU (memorandum of understanding) with any employee group, employee representation or employee association, and should any of the provisions of the MOU conflict with the provisions of this chapter, then, in that event, the provisions of the MOU shall control. To the extent that the provisions of any such MOU do not conflict with or relate to, the provisions of this chapter, then, in that event, the provisions of this chapter and/or the policies of the department(s) whose employees have entered into such MOU shall control. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 3, 1972.)

#### 2.68.050 Qualifications and appointment of employees.

A. Officers and employees holding positions as of the effective date of the ordinance codified in this chapter are deemed to be qualified for the positions to which they are assigned, subject to the right of the department head to dismiss any employee and the board of supervisors to dismiss any officer in accordance with the provisions of this chapter.

B. No person shall be hereafter employed in or appointed to any position requiring full-time or part-time service and which position is included in the salary survey and classification and for which a specification exists establishing minimum qualifications of education and experience unless the person possesses in full the qualifications of

education and experience prescribed for that class; provided, however, that if the qualified persons cannot be recruited, the board may authorize the appointment of persons having less than the minimum qualifications, at such adjusted salary as the board deems reasonable.

C. All new and promotional appointments to a position are to be made by the appropriate appointing authority. Unless specifically excluded, all department heads have the appointment authority. Appointing authorities shall appoint only from those persons who are qualified as being eligible for the particular classification except as otherwise provided in this chapter.

D. Appointments of officer shall be made by the board of supervisors. (Ord. 93-03, 1993; Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 4, 1972.)

#### 2.68.060 Relative employment restrictions.

No person shall be employed in any county department who is related within the first degree whether by blood or marriage to the county officer or appointive department head of the department in which employment is sought; provided, however, the board may, by four-fifths' vote of all members, find that by reason of unusual qualifications of the applicant or the existence of other unusual circumstances, the best interests of the county would be served by employing such person and, accordingly, authorize such employment. This section shall not be applicable to persons employed in such departments prior to April 15, 1972. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(A), 1972.)

#### 2.68.070 Employee direction.

All employees shall have and exercise such powers and perform such duties as may be directed by the respective officers under whose direction they work, subject to the provisions of this chapter. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(B), 1972.)

#### 2.68.080 Salary basis.

Salaries prescribed on a monthly basis are based upon a thirty-seven and one-half hour week with all legal holidays provided for by law observed by employees as used herein, with pay therefor, excepting temporary employees who ordinarily would not work on the day the holiday occurs, and except as the same may be in conflict with the employment practices as to nurses at the Mono General Hospital, the sheriff's department, the Mono County road departments,

public works, parks and recreation and building and planning, and this chapter. Temporary employees' hourly rate shall be computed on the basis of an average of twenty-one and one-half days per month. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(C), 1972.)

#### 2.68.090 Position classification and salary.

The classification and salary for each position in all classifications shall be set forth in the latest salary survey and classification as adopted by the board. A service period of six months shall be required for the first step of advancement for new employees and thereafter a service period of one year shall be required for each step of advancement. It is the policy of the county not to hire above the first step except where the results of examinations conducted in conjunction with the State Personnel Board Cooperative Personnel Services, or such other duly conducted examinations of the department, or other facts, show a prospective employee or employee-examinee to possess exceptional qualifications, the board may grant the appointing authority the power to hire such person at higher than step "A" of a particular salary classification but not to exceed step "B" of a particular salary classification. (Ord. 82-425-O § 1, 1982; Ord. 80-425-M § 1, 1980; Ord. 79-425-K § 1, 1979; Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(D), 1972.)

#### 2.68.100 Sick leave.

A. Every permanent employee and officer shall accrue one working day of sick leave with pay for each full calendar month of full-time service, cumulative to a maximum of one hundred working days.

B. A permanent part-time employee shall accrue sick leave in the same proportion that his working hours bear to the normal working hours of a full-time position, and such sick leave shall be cumulative at the same proportionate rate to a maximum of one hundred working days.

C. All sick leave accumulated by any employee prior to the enactment of the ordinance codified in this chapter shall be carried forward and become a part of any accumulation herein contemplated.

D. Any employee compelled to be absent on account of injury or illness arising out of and occurring in the course of his county employment may elect during such absence to apply accrued sick leave on a prorated basis to such absence and receive compensation therefor in the amount equal to the difference between the compensation received by him under the Workmens' Compensation Act and his regular county pay, not to exceed the amount of his accrued sick leave. In like manner, he may elect to use any accrued vacation time and accrued time off for overtime after his sick leave is exhausted. The rights of the public safety

officers as presently delineated in Section 4850 of the Labor Code of the state are incorporated by reference, and should that section change from time to time, either by numerical redesignation or placement in a different code, this section shall be deemed to reflect such changes and amendments.

E. Each full-time officer and employee and each part-time permanent employee shall accumulate sick leave with pay which shall commence with the first full month of employment, but may not be taken until such officer or employee has been employed continuously by the county for six months.

F. Sick leave may be used by an employee for medical appointments of the employee and his immediate family only.

G. Any employee who is absent from duty three or more consecutive days must, at the discretion of the department head, within ten days from the date that employee has returned to duty, and in order to be credited with sick leave, present to the department head or appointing authority a doctor's certificate of illness, which certificate shall indicate that the employee was ill, and by reason of said illness was unable to work during the period of time said employee was off duty. The department head or appointing authority shall forward this certificate to the auditor as required in Section 2.68.140 of this code.

H. After ten or more years of continuous service, any employee who retires, resigns, dies or is laid off by county action shall be paid for one-half of any accumulated sick leave, at his regular straight time rate of pay, subject to a maximum of fifty eight-hour days, or four hundred hours, said payment to be made to the employee or his designated beneficiary. (Ord. 78-425-I § 1 (part), 1978; Ord. 78-425-G § 1, 1978; Ord. 72-425 § 5(E), 1972.)

#### 2.68.110 Vacation with pay.

A. Each county employee and officer in county service prior to July 1, 1969, shall be entitled to fifteen working days of vacation leave with pay for each year of full-time service for the first ten years, to be accrued at one and one-fourth days per month. Thereafter, such employee shall be entitled to seventeen working days per year, to accrue at one and five-twelfths days per month; nineteen working days per year after fifteen years of full-time service, to accrue at one and seven-twelfths days per month; and twenty working days per year after twenty years of full-time service, the accrual dates to be as set forth in subsection A of this section. Not more than thirty working days' vacation time may be accumulated.

B. Permanent county employees and officers hired after July 1, 1969, shall be entitled to ten working days' vacation for each full year of service to be accrued at

five-sixths days per month; fifteen working days of vacation after three years of full-time service; seventeen working days after ten years of full-time service; nineteen days after fifteen years of full-time service; and twenty working days after twenty years of full-time service, and accrual dates to be as set forth in subsection A of this section. Not more than thirty working days' vacation time may be accumulated.

C. A permanent part-time employee shall accrue vacation with pay in the same proportion that his working hours bear to the normal working hours of a full-time comparable position. Not more than thirty working days' vacation time may be accumulated.

D. Any employee who has attained permanent full-time status or permanent part-time status and whose employment is terminated without his having taken the earned vacation shall be entitled to pay in lieu thereof for the number of working days of vacation (not to exceed thirty working days) to which he is entitled.

E. Each full-time officer and employee and each part-time permanent employee shall accumulate vacation pay which shall commence with the first full month of employment, but may not be taken until such officer or employee has been employed continuously by the county for six months.

F. Vacation time earned by any employee and standing to his credit at the date of adoption of the ordinance codified in this chapter shall be continued as a credit for such purpose to the employment. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(F), 1972.)

#### 2.68.120 Leave of absence due to death or critical illness in family.

A. Whenever any permanent employee or officer is compelled to be absent from duty by reason of the death of his or her father, mother, brother, sister, wife, husband, child, grandparent, grandchild, or the mother or father of the employee or officer's spouse, he or she shall be entitled to be absent, with pay, for not more than five working days.

B. Whenever any permanent employee or officer is compelled to be absent from duty by reason of the critical illness of any of the abovenamed persons, said employee or officer shall be entitled to be absent, with pay, for not more than five working days for each such illness or condition.

The department head or appointing authority may require confirmation of such critical illness or death within thirty days after said member returns to work, and the department head or appointing authority shall consider such death or illness confirmed should the employee or officer produce any public record of such death, or any correspondence

or certificate from a licensed physician attesting to such critical illness. This provision shall apply to permanent employees and to permanent part-time employees. (Ord. 78-425-I § 1 (part), 1978; Ord. 78-425-G § 1, 1978; Ord. 72-425 § 5(G), 1972.)

#### 2.68.130 Leave of absence without pay.

A. A leave of absence without pay may be granted to any permanent employee upon the following conditions:

1. That the employee or officer submit his or her request, in writing upon a form, to be provided to the employee or officer by his or her appointing authority, and which form shall indicate clearly and concisely:

a. That the leave of absence is made voluntarily by the employee or officer;

b. That there is a date certain on which the leave will commence;

c. That there is a date certain on which the employee shall return to work and that failure of the employee or officer to return for work on that date shall constitute cause of dismissal of said employee or officer should said employee or officer fail to utilize the procedures for extension as set forth in subdivision (e) below;

d. The reason for the requested leave of absence and all facts, events, and occurrences that the employee or officer is relying upon to support his request;

e. That should the officer or employee desire an extension of the leave of absence, said officer or employee shall submit his request, in writing, to the authority whose approval is required pursuant to subsection C of this section. Said request shall be considered by the authority whose approval is required only in the event that:

i. The request is received by the department head or appointing authority at least seven working days prior to the date scheduled for termination of the leave,

ii. The request contains an address to which a note of approval or denial of the extension may be sent, and

iii. The request gives facts which would support a determination by the appointing authority or department head that the circumstances which caused the leave to be granted initially still exist.

B. A leave of absence without pay may be granted to any permanent employee or officer only in the event that the facts, events, and occurrences that support the request of the officer or employee establish:

1. That there is an illness, injury, disability or condition of the officer or employee, or member of his immediate family, and that the officer or employee has insufficient sick leave accumulated to compensate for the time the officer or employee anticipates being away from his county employment;

2. That the employee or officer is to receive some training, education or experience which will materially increase the ability of said officer or employee to perform his duties as a county employee;

3. That the leave is requested for personal reasons acceptable to the authority whose approval is required;

4. That a maternity/paternity leave is requested by an officer or employee.

C. A leave of absence requested by an officer or employee for a period not exceeding twenty working days and a maternity/paternity leave of absence requested by an officer or employee for a period of not more than six weeks may be granted by the department head or appointing authority.

D. A leave of absence requested by an officer or employee for a period in excess of twenty working days or for a period in excess of six weeks, if requested for maternity/paternity leave, shall be processed as follows:

1. The request shall be submitted to the appointing authority or department head;

2. Upon the approval of the department head or appointing authority, the request shall be submitted to the board of supervisors for consideration at the next regularly scheduled board meeting;

3. The board of supervisors may approve the request, approve the request upon the imposition of whatever conditions the board deems appropriate, including, but not limited to, a reduction in the period of time requested, or deny the request;

4. In the case of all approved leaves of absence without pay which are either (i) for a period of twenty days or less, or if more than twenty days, (ii) due to illness, injury, disability or condition and there is insufficient sick leave accumulated to compensate for the time anticipated by the officer or employee to be away from county employment, (iii) to allow the employee or officer to receive training, education or experience which will materially increase the officer or employee's ability to perform county duties, or (iv) maternity/paternity leave, the officer or employee shall continue to accrue seniority and shall retain his or her anniversary date. In all other cases, the anniversary date of the employee or officer shall be extended by the number of days granted in the approved leave of absence in excess of the first twenty days.

E. Any officer or employee who has been granted a leave of absence without pay may elect to apply accrued vacation time and/or accrued compensatory time off and in the case of maternity/paternity leave, an officer or employee may additionally elect to utilize accrued sick leave entitlement pay. (Ord. 84-425-T § 2, 1984: Ord.

83-425-S § 1, 1983: Ord. 83-425-Q § 1, 1983: Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 5(H), 1972.)

#### 2.68.140 Attendance records and reports.

Each department head, or his designated representative, shall keep an accurate and current record of the attendance, absences and status of each of the employees within the department, including records which reflect the amount of sick leave, vacation time, and compensatory time off accrued and allowed and such other records as may be related to the attendance and status of such employees. Each department head shall report to the auditor, on forms provided by the auditor, not later than the seventh working day of each month, as to the attendance during the preceding month of each such employee within the department, listing all the absences of each such employee, together with the cause of such absences, and such other information relating to each such absence such that the auditor has all information necessary to determine compensation due to each such officer and employee. Such other reports that relate to the attendance, absence or status of such employees or officers shall be made upon written demand by the auditor. From such reports, the auditor shall maintain a record for each employee, including vacation, sick leave and compensatory time accrued and allowed, payroll status, anniversary dates and similar data. From such reports and records the auditor shall determine the compensation due to each such officer and employee. (Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 5(I), 1972.)

#### 2.68.150 Military leave of absence.

All officers and employees shall be entitled to military leave of absence compensation, to return to a position with the county of Mono after termination of active service, and to return to employment with the county of Mono after resignation to enter military service, all as provided in Sections 394.5 through 395.3 of the Military and Veterans' Code of the state. (Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 5(J), 1972.)

#### 2.68.160 Jury duty.

All employees required to serve on a jury, criminal or civil, within the county of Mono, shall be entitled to said employees' regular county pay, provided that said employee deposits fees received for such service, exclusive of mileage, with the county treasurer. (Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 5(K), 1972.)

#### 2.68.170 Elective board.

A. All officers, and permanent and permanent part-time



employees who intend to run for election to the governing board of any public entity within the county of Mono, including, but not limited to, public utility districts, fire protection districts, water districts, mosquito abatement districts or school districts, shall, at the time of filing of such papers as may be required for declaration of candidacy to such office, advise the office of the district attorney of Mono County, in writing, if such person intends to maintain employment with the county of Mono in the event that such person is so elected. In the event that any such person indicates an intention to maintain county employment and serve on the governing board of any of the districts indicated above, that in that event, the office of the district attorney shall make a determination as to whether service in both capacities constitutes either a conflict of interest or an incompatibility of office such that said person would be precluded from maintaining both positions. Such determination shall be made within fourteen days from the date on which the office of the district attorney is notified of the intention of such person to maintain county employment in the event of election to the governing board of any of the special districts listed above, and an opinion in writing shall be forwarded to such person by means of registered mail, within twenty days from the date of the first stated intention. Should the office of the district attorney determine that a conflict of interest or incompatibility of office exist should both positions be maintained, and should the officer or employee fail to make an election within ten days from receipt of the opinion of the district attorney, and at least sixty days prior to the date of the election, the county of Mono, by and through the office of the district attorney, may bring an action in the Superior Court of Mono County seeking an order restraining such employee from seeking the elective office.

B. All officers and permanent and part-time employees elected to public boards or agencies, including, but not limited to, the agency and districts specified in subsection A above, shall be entitled to the regular county pay while attending regularly scheduled meetings of such boards, agencies or districts during normal working hours; provided, that said employees turn over any compensation received by reason of their attendance at such meetings, if any, exclusive of mileage, to the county treasurer. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(L), 1972.)

#### 2.68.180 Outside employment—Restrictions.

No officer or employee shall engage in any employment, activity or enterprise, for which activity, employment or enterprise said employee is compensated which is inconsistent, incompatible, in conflict with or inimical to the duties or responsibilities of said officer or employee as they relate

to employment with the county of Mono, or with the duties, functions or responsibilities of his appointing authority or of the county, except as specifically provided herein. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(M)(1), 1972.)

#### 2.68.190 Outside employment—Prohibited when.

An officer's or employee's outside employment, activity or enterprise shall be prohibited if it:

A. Involves the use for private gain or advantage of the county's time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of his county office or employment; or

B. Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the county for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his county employment or as a part of his duties as a county officer or employee; or

C. Involves the performance of an act in other than his capacity as a county officer or employee which act may be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee; or

D. Involves such time demands as should render performance of his duties as an officer or employee less efficient. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(M)(2), 1972.)

#### 2.68.200 Outside employment—Written disclosure.

Notwithstanding the provisions of Section 2.69.190, an officer's or employee's outside employment, activity or enterprise shall not be deemed inconsistent, incompatible, in conflict with or inimical to the duties of said officer or employee, if said officer or employee, prior to engaging in any such employment, activity or enterprise, makes a complete written disclosure to the department head or appointing authority of all of the functions, duties and responsibilities required of said officer or employee by such employment, activity or enterprise, and receives written consent to engage in such employment, activity or enterprise from the department head, if an employee, or the board, if an officer. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(M)(3), 1972.)

#### 2.68.210 Probationary employment.

A. Except for employees of the sheriff's department, persons entering the county service in permanent positions



shall serve a probationary period of six months commencing on the date of employment. Persons entering county service in the sheriff's department shall serve a probationary period of one year commencing on the date of employment.

B. The department head or appointing authority of each probationary employee shall evaluate the performance of said employee as frequently as necessary to ascertain whether said employee has been properly performing the duties and responsibilities required of said employee. There shall be no less than three evaluations of the performance of each probationary employee within the six-month probationary period, said evaluations to be completed at least five working days prior to the completion of each successive two-month working period commencing from the date of appointment. Should the department head or appointing authority find that any probationary employee has not successfully performed the duties and responsibilities required of said employee during the two-month period immediately preceding the evaluation, such probationary employee shall be immediately terminated.

C. Upon successful completion of the probationary period an employee shall be granted permanent status unless the probationary period of said employee is extended by the department head or his appointing authority; provided, however, the probationary period may not be extended for a period of time in excess of six additional months from the day on which the probationary period would normally terminate.

D. Probationary employees may be terminated without cause at any time during the probationary period. A probationary employee, upon termination, has no right of appeal. (Ord. 91-1, 1990; Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(M)(4), 1972.)

#### 2.68.220 Disciplinary action—Generally.

An employee who has attained permanent status, except as otherwise provided herein, may be disciplined by his department head for reasonable cause only. In all cases of disciplinary action except oral reprimand, the department head shall prepare an order in writing stating specifically the cause for discipline. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 5(M)(5), 1972.)

#### 2.68.230 Disciplinary action—Causes.

A. An appointing authority or department head may, for cause, impose discipline on any employee who has attained permanent status.

B. The following shall be deemed cause for disciplinary action:

1. Fraud in securing appointment which shall include, but not be limited to, misrepresentation of any material fact in any written or oral application for work with

Mono County; failure to possess any license or certificate necessary to the performance of the duties and functions required by the job for which the person is applying; and failure to possess any special skill or ability that may be required by the position for which the person is applying;

2. Incompetence or inefficiency (herein defined to include, but not be limited to, any neglect of duty and/or failure to meet reasonable work performance standards and requirements);

3. Inexcusable neglect of duty;

4. Insubordination which is herein defined to include, but not be limited to, the refusal or wilful failure to follow a reasonable order of a superior, and the wilful failure or refusal to perform a particular duty, function or responsibility required by the position of employment;

5. Dishonesty which is defined herein to include, but not be limited to, any unauthorized possession or use of property not belonging to the employee, which unauthorized use or possession arises out of, or is in any way related to, the position of employment held by the employee;

6. The use or possession of alcoholic beverages while engaged in the performance of duties and/or responsibilities pursuant to employment by the county;

7. The use, while engaged in the performance of duties, functions or responsibilities pursuant to employment with the county, of drugs, narcotics or medications such that the performance of those duties, functions and responsibilities by the employee is impaired or such that the safety of other persons or property is impaired or adversely affected;

8. The possession of controlled substances as defined by the Health and Safety Code of the state, while engaged in the performance of duties, functions and responsibilities pursuant to employment with the county, such that possession constitutes a violation of the laws of the state;

9. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. Conviction shall be defined to include a plea of nolo contendere;

10. Persistent, abusive or discourteous treatment of the members of the general public or fellow employees;

11. Political activity during working hours or in the name of the county; wilful violation of any county ordinance or lawful department rule, regulation or policy;

12. Wilful misuse of county property or damage to county property resulting from misuse or negligence; persistent failure by an employee to take treatment or corrective measures for a disqualifying physical or mental condition identified in a periodic or special medical examination;

13. Publication of inaccurate or false information concerning the county, its officers or employees, which

is of such a nature as to bring discredit to the county or its officers and employees.

14. Misrepresenting oneself as a spokesman for the county in such a way as to bring discredit to the county. (Ord. 78-425-I § 1 (part), 1978; Ord. 73-425-B § 1, 1973; Ord. 72-425 § 5(N), 1972.)

#### 2.68.240 Initiation of discipline—Review by district attorney.

Prior to initiating any discipline as hereinafter provided, an appointing authority or department head considering discipline consisting of discharge, suspension without pay for five or more days, demotion, or cancellation of wages for five or more days, shall first review the proposed discipline with the district attorney of Mono County or his duly authorized deputy. An appointing authority or department head considering less serious disciplinary action than that described above may, in the discretion of the appointing authority or department head, review the proposed discipline with the Mono County district attorney or his duly authorized deputy. Nothing herein shall be construed as depriving the appointing authority or department head of the powers and responsibilities required in the exercise of such disciplinary action. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 6(A), 1972.)

#### 2.68.250 Commencement of disciplinary action.

Except as provided herein in Section 2.68.280 relating to emergency disciplinary action, disciplinary action shall be commenced by the preparation by the appointing authority or department head, of a written notice of proposed action, which notice shall contain the following information:

- A. The name of the employee to be disciplined;
- B. A description of the action proposed to be taken and the effective date of the notice of proposed action;
- C. A clear and concise statement of the reasons for which the disciplinary action is proposed to be taken, including a statement delineating the acts or admissions on which the proposed action is based;
- D. A statement that a copy of the materials upon which the proposed action is based is attached to the notice or is available for inspection upon request;
- E. A statement informing the employee of his rights to respond, either orally or in writing, to the appointing authority or department head within five working days from the date on which the notice of proposed action is personally served on said employee. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 6(B), 1972.)

#### 2.68.270 Initiating final discipline.

Upon the final expiration of five working days from

the date on which the notice of proposed action was personally served on the employee, and after investigation and considering such responses, oral or written, as the employee may have made, the appointing authority or department head may file a written order initiating discipline, which written order shall contain the following information:

- A. The name of the employee against whom the disciplinary action is to be taken;
- B. A clear and concise description of the action taken and the effective date or dates of said final action;
- C. A clear and concise statement of the reasons for which such disciplinary action is taken, including the acts or admissions upon which the disciplinary action is based;
- D. A statement that a copy of all materials upon which the action is based are appended to the notice of disciplinary action or available for inspection by the employee upon request to the department head or appointing authority; and
- E. A statement advising the employee of his right to appeal the disciplinary action to the personnel board, and a statement that such appeal must be filed and served with the clerk of the personnel board within ten days of receipt of the final disciplinary order by the employee. (Ord. 78-425-I § 1 (part), 1978; Ord. 76-425-E § 1, 1976; Ord. 72-425 § 6(D), 1972.)

#### 2.68.280 Emergency disciplinary action.

Pending investigation by the appointing authority or department head of charges against an employee that involve the misappropriation of public funds or property, or upon a determination by the appointing authority or department head that the continued attendance of the employee against whom disciplinary action is proposed would seriously disrupt the proper functioning of the office or department, the appointing authority or department head may, in writing, order said employee placed on immediate paid leave of absence until a written order initiating final discipline is filed, or for a specified time not to exceed fifteen working days, whichever comes first. Such written suspension order shall be accompanied by a notice of proposed action as provided in Section 2.68.250, and should the appointing authority or department head order immediate suspension based upon a determination that continued attendance of the employee would seriously disrupt the functions of the office or department, the appointing authority or department head shall specify the reasons for such determination on

the notice of proposed action, including therein any act or admission of the employee upon which such a determination may have been based. (Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 6(E), 1972.)

#### 2.68.290 Effective date of disciplinary action.

Disciplinary action shall become effective when either the employee has failed to file a request for an appeal, as provided herein below, or at the conclusion of a hearing when findings have been made by the personnel board. (Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 6(F), 1972.)

#### 2.68.300 Personnel appeals board—Composition.

There is created a personnel appeals board to hear and determine all appeals made from disciplinary or grievance proceedings consisting of one member appointed by the board of supervisors, one member appointed by the affected employees collective bargaining unit representative, and one member appointed by the other two members of the panel from either (1) the general population of Mono County, or (2) a representative of the California State Mediation and Conciliation Service. Appointments shall be made on a per hearing basis. The clerk of the board of supervisors or the deputy of said clerk shall serve as the clerk to the personnel appeals board.

The personnel appeals board shall meet and hold hearings, as needed, after the regularly scheduled meeting of the board of supervisors or at such other times and places as may be appropriate for the convenience of witnesses and/or the ends of justice. (Ord. 84-425-T § 3, 1984: Ord. 83-425-S § 2, 1983: Ord. 78-425-I § 1 (part), 1978: Ord. 72-425 § 6(G), 1972.)

#### 2.68.301 Appeals—Procedure.

An employee desiring to appeal a disciplinary action shall file, with the clerk of the personnel board, an answer admitting or denying, in whole or in part, the allegations of the final disciplinary order. Matters not admitted by the filed answer shall be deemed denied. Such answer must be filed within ten days of receipt of such order by the appealing employee. The clerk of the personnel board shall stamp on the answer the date of filing and shall:

- A. Place one copy in the clerk's file;
- B. Send one copy to the appointing authority or department head;
- C. Send one copy to the district attorney of Mono County; and
- D. Prepare three copies of said answer for service upon members of the hearing body. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.302 Appeals—Hearing.

A. Within twenty days after the date on which the answer is filed with the clerk of the personnel board, the hearing body shall conduct a hearing to determine whether the final disciplinary order shall be sustained.

B. The hearing shall be conducted in the board room in the county courthouse in the city of Bridgeport, county of Mono. The hearing body may conduct such hearing at a different location when, given the convenience of parties and witnesses, such different location promotes the convenience of such parties or witnesses and/or the ends of justice.

C. The chairman of the hearing body, to be designated by schedule, and the office of the district attorney of Mono County shall have the power to issue subpoenas for the purpose of compelling the attendance of witnesses, and either the chairman of the hearing body or the district attorney shall issue a subpoena for the purpose of compelling the attendance of any witness requested by the appointing authority or the employee.

D. All oral testimony received by the hearing body shall be recorded in some appropriate form.

E. Hearings shall be private and all persons excluded therefrom, except the appointing authority or department head, the employee, the attorneys involved, the reporter, if any, the clerk of the board and witnesses actually testifying, unless the employee files a written request for public hearing with the clerk of the personnel appeals board at least five working days prior to the date of the hearing.

F. The appointing authority or department head, and the employee shall have the right to be represented by legal counsel, and the appointing authority or department head shall be represented by the office of the district attorney of Mono County unless the office of the district attorney is a party to, or a witness testifying in, the matter before the hearing body. The appointing authority or department head shall present its evidence first. The employee may then present evidence and each shall then have the right to present evidence in rebuttal.

G. Any evidence may be received that is relevant and material to the disciplinary action and the hearing body shall not be bound by the formal rules of evidence as set forth in the Evidence Code of the state. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.303 Appeal—Findings.

A. At the conclusion of the hearing, the hearing body, being governed by a standard of proof equivalent to the preponderance of the evidence, may sustain the final disciplinary order, may sustain the final disciplinary order

modified in whole or in part, or order reinstatement of the employee;

B. Findings by the hearing body, other than reinstatement, shall be effective as of the date of service upon the employee of the original order for disciplinary action. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.304 Exhaustion of administrative remedies:

Administrative remedies shall be deemed exhausted when findings have been made by the hearing body. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.305 Rehearings.

Having conducted a hearing and made a decision on an appeal, the hearing body may reopen and rehear an appeal as follows:

A. A petition for rehearing may be made by a person or party directly affected by the decision of the hearing body on the appeal.

B. The grounds upon which a rehearing may be granted are:

1. Newly discovered evidence which could not, with due diligence, have been presented at the original hearing and which appears to be material to the issues involved and not merely cumulative; or

2. A mistake or error in the proceedings which may have materially affected the result.

C. The petition for the rehearing must be in writing and must set forth clearly and concisely the grounds upon which a rehearing is requested and the petition for rehearing must be filed with the clerk of the personnel appeals board not later than ten days from the date on which findings were made by the hearing body. A copy of the petition must be served upon the adverse party who may, within five working days, file and serve a written reply upon the clerk of the board, with a copy of such reply to be sent to the party seeking a rehearing.

D. If a petition for a rehearing is granted, the clerk of the personnel appeals board shall set a hearing date and give notice of said date to all interested parties.

E. If the rehearing is denied, notice shall be given to all interested parties and the action of the hearing body shall be deemed to be final.

F. Should a rehearing be granted, the rehearing shall be conducted in conformance with this code and all of the evidence introduced at the initial hearing shall be deemed to be in evidence and before the board with only the subject matter forming the basis upon which the rehearing was granted to be considered by the hearing body.

G. Not more than one rehearing may be had on any one appeal. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.306 Grievance—Definitions.

With respect to the grievance procedures outlined below, words listed in this paragraph shall have the following meanings:

A. "Department head" means the administrative head of the department involved.

B. "Employee" means an individual occupying a position allocated by the board of supervisors as a part of the regular staffing of a department.

C. "Grievance" means any complaint concerning the application of any memorandum of understanding or rules or regulations governing the personnel practices or working conditions that the department management has the ability to remedy, except those matters that are within the exclusive field of management functions. This shall include, but not be limited to, a disagreement involving the work situation where an individual employee believes that an injustice has been done because of:

1. A deviation from a policy; or

2. The misinterpretation of a policy; or

3. The misinterpretation or misapplication of a statute, ordinance or resolution of the board of supervisors relating to the employment of that individual employee.

D. "Immediate supervisor" means the individual who assigns, reviews or directs the work of an employee.

E. "Representative" means the person selected by an employee to appear with that employee in the presentation of the employee's grievance.

F. "Superior" means the individual to whom an immediate supervisor reports. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.307 Grievance—Appeals board.

The personnel appeals board described in Section 2.68.300, shall serve as the appeals board for grievances. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.308 Grievance—Rule and objectives.

The following are policies that shall govern the administration of the grievance procedure described below:

A. Except where a remedy is otherwise provided for by state law, the Mono County Code, or these rules, any employee shall have the right to present a grievance arising from his/her employment with the county of Mono in accordance with the provisions for grievance procedure outlined in the following section.

B. All parties so involved must act in good faith and strive for objectivity, while endeavoring to reach a solution at the earliest possible step of the procedure. The aggrieved

employee shall have the assurance that the filing of a grievance will not result in a reprisal of any nature.

C. The aggrieved employee shall have the right to be represented or accompanied by a person of the employee's choice if the grievance is not resolved at the informal level as provided for in Step 1 of the grievance procedure described in Section 2.68.309. This representation may commence when the grievance is presented in writing to the immediate supervisor as provided in Step 2 of the grievance procedure.

D. The processing of a grievance shall be considered as county business, and the employee and his or her representative shall have reasonable time and facilities allocated for the preparation of the employee's position with respect to the grievance alleged. The use of county time for this purpose shall not be excessive nor shall this privilege be abused.

E. Certain time limits in the grievance procedure are designed to quickly settle the grievance. It is realized, however, that on occasions the parties concerned may be unable to comply with the established limitations. In such instances limitations may be extended by mutual agreement of all parties concerned.

F. Failure of the aggrieved employee to file an appeal within the prescribed time limit for any step of the procedure shall constitute an abandonment of the grievance. County management personnel involved in the grievance procedure shall abide by prescribed time limits.

G. Any person responsible for conducting any conference, meeting or hearing under the formal grievance procedure shall give due and timely notice to all persons concerned.

H. When two or more employees of the same department experience a common grievance, they shall initiate a single grievance proceeding. The initial hearing of the grievance shall be by the immediate supervisor, superior or department head who has the prime responsibility for all of the aggrieved employees. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.309 Grievance procedure.

A. Step 1. When an employee has any grievance, or when any employee becomes aware that dissatisfaction exists with that employee's work or work situation, then that employee should discuss the matter informally with the employee's immediate supervisor. Initial discussion should be sought by the employee not later than five working days after the alleged grievance occurred or after the employee becomes aware of dissatisfaction with the employee's work or work situation. The following provisions relating to formal grievance procedures do not restrict

the employee and the supervisor from seeking advice and counsel from superiors and department heads when:

1. Mutually consented to by the employee and the supervisor; or

2. It appears that settlement can be reached at this informal level.

B. Step 2. If, within five working days, a mutually acceptable solution has not been reached at the informal level as provided for in Step 1 above, the employee shall submit the grievance in writing to the department head or appointing authority. At this point, the grievance hearing process becomes formal and the employee may choose to be accompanied by a representative of the employee's choice. After formal hearing with the department head or appointing authority, the department head or appointing authority will render a written decision within five working days of the date of the hearing and shall serve a copy of the written decision on the employee within ten working days from the date of the hearing. Prior to service of a copy of the written decision on the employee, the department head or appointing authority shall review the written decision with the office of the district attorney.

C. Step 3. Should an employee be dissatisfied with the decision of the department head or appointing authority, said employee, within five working days of the receipt of the decision, may request that the grievance be presented to the personnel appeals board for review. The personnel appeals board shall schedule a hearing, require the presence of the employee and department head or appointing authority to said hearing, take testimony from the employee and department head, and receive such other evidence as the personnel appeals board deems essential to a proper determination, and render its written decision within five working days from the date of the hearing.

D. Step 4. If the decision of the personnel appeals board requires board of supervisors' action, the recommendation from the personnel appeals board to the board of supervisors shall be submitted for consideration at the next regularly scheduled meeting of the board of supervisors. The action of the board of supervisors shall be final and binding. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.310 Grievance—Confidentiality.

All grievances shall be treated, to the extent possible, as matters requiring confidentiality, and all parties concerned shall strive to limit publicity and notoriety surrounding the grievance. (Ord. 78-425-I § 1 (part), 1979; Ord. 72-425 § 6(H), 1972.)

#### 2.68.311 Layoff—Causes.

The board of supervisors may lay off employees, pursu-



ant to the procedures set forth in this chapter when, in the opinion of a majority of the members of the board of supervisors, any of the following conditions exist:

A. There is an expected or unexpected decrease in anticipated revenues to the county from any source or sources; or

B. There is lack of work within any department, whether by reason of present overstaffing, a determination by the board of supervisors that there should be a reduction in services offered by the department, a lack of funds or for any other reason; or

C. There is a determination by the board of supervisors that some or all of the services offered by a department should be discontinued. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.312 Layoff—Authority.

Upon a determination by the board of supervisors that any of the conditions stated in Section 2.68.311 exist, the board of supervisors, and only the board of supervisors, shall have the authority to lay off employees. The board of supervisors shall have the sole discretion with respect to the number and classification of employees to be laid off in each department. All layoffs of personnel shall be within classifications within departments. (Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.313 Layoff order—Seniority.

A. Order of Layoff. Within a department, layoffs shall be made by classification in the following order:

1. Temporary employees;
2. Probationary part-time employees;
3. Probationary full-time employees;
4. Permanent part-time employees;
5. Permanent full-time employees.

Within each of the above categories within a department, employees shall be laid off in the inverse order of seniority. In lieu of layoff, any employee shall, based on seniority, have the option to be placed in any equal or lower classification for which he or she is qualified within said employees' department.

B. Seniority. Seniority shall be based on total time within a department in any lower classification plus time in any higher classification. A break in employment shall result in loss of seniority previously accrued unless such break in employment is the result of layoff or seniority-accruing approved leaves of absence. Any employee laid off after acquiring permanent status shall, after reinstatement, regain the seniority credit possessed at the time of layoff. Periods of approved leaves of absence without pay in which the officer or employee is entitled to continue to accrue seniority shall be credited as continu-

ous county employment for the purposes of determining seniority. If two or more employees have identical seniority and identical time in a department, total time in county service shall be determinative. Ties among hiring dates shall be broken by lot. (Ord. 84-425-T § 4, 1984; Ord. 83-425-S § 3 (part), 1983; Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.314 Layoff—Notice.

The employee shall be given written notice of layoff by the county at least thirty calendar days in advance of the effective date of such layoff. The notice of layoff shall include the reason for layoff and effective date of layoff. Any employee, whether permanent or probationary, who has been notified of his or her impending layoff may utilize up to ten days of accrued sick leave, whether vested or not, in at least one work day increments, to look for other employment. Such leave consisting of one work day may be taken upon at least one work day's notice to employee's department head or supervisor, and leave consisting of two or more days may be taken upon at least two days' notice. (Ord. 84-425-T § 5, 1984; Ord. 83-425-S § 3 (part), 1983; Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.315 Preferential rehire rights.

A. For a period of twenty-four months, the names of permanent employees who were laid off or reduced in class shall be placed on the reemployment list for their class at time of layoff in order of seniority. Any vacancy occurring in the class from which employees have been laid off shall be filled first by a person on preferential rehire status for that class in order of seniority provided he or she is available for this position.

B. Employees who have been laid off shall remain on preferential rehire status for a period of twenty-four months after their layoff date.

C. Preferential rehire status cannot be revoked; however, active placement efforts for a person on preferential rehire status may be suspended under the following circumstances:

1. If the person indicated unavailability or if attempts to reach the individual are unsuccessful, active placement activities may be suspended. Active placement efforts must be resumed if the person later indicates availability. In the twenty-four-month preferential rehire period; however, the name will be replaced on the list in lowest position for that class.

2. If the person declines three job offers at or above the person's former job classification, the person's name may be removed from the rehire list.

D. When a person is reemployed from preferential rehire status, the employee shall be entitled to accrue sick leave and vacation at the same rate at which it was accrued

prior to layoff. His or her status in relation to probationary period and merit salary increases shall be the same as at the time of layoff. Any unused and unpaid sick leave shall be reinstated.

E. An individual on preferential rehire status may accept a temporary position within the department for which he or she is qualified and not lose preferential rehire status.

F. No temporary employees shall be utilized to replace any permanent position, part-time or full-time, vacated due to layoff procedures. (Ord. 84-425-T § 6, 1984; Ord. 83-425-S § 3 (part), 1983; Ord. 78-425-I § 1 (part), 1978.)

#### 2.68.316 Health insurance.

An employee who has been laid off may elect to continue health insurance coverage in the group at his or her own cost for six months providing that the policy involved allows such continuance. Health insurance shall cease if he or she finds other employment. It is the employee's responsibility to make arrangements for such coverage with the county. (Ord. 83-425-S § 4 (part), 1983.)

#### 2.68.317 Seniority lists.

At the time notices of layoff are sent to employees, the county shall post a list of all employees by classifications and seniority date in the affected departments. (Ord. 83-425-S § 4 (part), 1983.)

#### 2.68.330 Appointment date.

For the purpose of determining eligibility for a step increase, the date of appointment of any employee shall be:

A. For employees hired after the fifteenth of the month, the first day of the month following;

B. For employees hired on or before the fifteenth of the month, the first day of the month such employee was appointed. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 7(B), 1972.)

#### 2.68.340 Salary step increases.

Salary advancement shall not be automatic, but shall be given only upon affirmative recommendation of the department head to the auditor. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 7(C), 1972.)

#### 2.68.350 Salary adjustment—New position.

Any employee who is promoted to a position in a class allocated to a higher salary range than the class of position which he formerly occupied shall have his salary adjusted to the first step of the new range or to the step having at least a five percent higher salary than he was receiving in his former position, whichever is higher. Upon a written

showing of special qualification, the board of supervisors may allow assignment to a step within the range additional to the five percent. A new anniversary date shall be established for the purpose of eligibility for future step increases as of the effective date of the promotion. (Ord. 79-425-L § 1, 1979; Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 7(D), 1972.)

#### 2.68.360 Salary adjustment— Interdepartmental transfer.

In the case of the transfer of any employee from one county department to another in the same class or to another class to which the same pay range is applicable, the employee shall remain at the same pay step and shall retain his original anniversary date. If such employee transfers from one county department to another and also to a new classification, the provisions of Section 2.68.350 are applicable. (Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 7(E), 1972.)

#### 2.68.370 Overtime—Sheriff's department.

Sworn members of the Mono County sheriff's association shall receive compensation equal to one and one-half times the base salary for such person for all overtime worked, with such overtime to be defined in the current memorandum of understanding between the Mono County sheriff's association and the county of Mono. For all sworn sheriff's personnel, other than the sheriff of Mono County, who are not within any representational unit, such personnel shall receive compensation for one and one-half times that person's regular base salary for all overtime worked with overtime to be defined in the then current memorandum of understanding between Mono County and the Mono County sheriff's association. Compensation for overtime as proposed herein shall be paid effective March 1, 1979. (Ord. 79-425-K § 2, 1979; Ord. 79-425-J § 1, 1979; Ord. 78-425-I § 1 (part), 1978; Ord. 72-425-C § 1, 1974; Ord. 72-425 § 7(F)(1), 1972.)

#### 2.68.380 Overtime—Generally.

##### A. Definitions.

1. "Holiday" means those days specified by county ordinance and/or resolution of the board of supervisors to be county holidays.

2. "Overtime" means authorized time worked in excess of the work period of the employee. Time worked by an employee in excess of his work period, which is to compensate for prior or anticipated future absences, shall not be considered overtime.

3. "Work period" means the number of hours customarily worked by the employee per month, given his position within the department; provided, however, if the



work schedule of some or all of the employees within a department is incompatible with the monthly work period, the department head and auditor may agree on a different work period.

B. Authorization. Department heads may authorize overtime for employees within their departments when the work load in the department requires such overtime, or when the task or work assigned to the employee requires work time in excess of the work period.

1. Eligibility. Permanent, probationary and temporary full-time employees except department heads are eligible for overtime.

2. Advance Approval. Advance approval for overtime work shall be obtained from the department head whenever possible. Failure to obtain advance approval shall be sufficient, in and by itself, to justify a refusal, by a department head, to approve overtime.

C. Computation. *Work Week = Sun - Sat.*

1. Hours spent on vacation and sick leave shall be included in computing actual hours worked for overtime.

2. Holidays not worked which fall on the employee's regular work day shall be included with actual hours worked for computing overtime.

3. Time worked by any employee in excess of the work period, to compensate for past or anticipated future absences, shall not be considered as overtime nor included in the computation of hours worked for purposes of determining overtime.

4. In such cases where, due to a manpower shortage or similar reason, an employee is requested by his department head or department supervisor, to perform duties within his department, but outside of his regular position/classification, the time worked by that employee during his work period, outside of his own classification, shall be added to that time worked within classification, for purposes of computing overtime. In no event shall a person employed in two positions with the county be permitted to use, in the computation of overtime, hours worked in one classification for the other position.

D. Compensation. All county employees shall receive payment for all overtime worked at the rate of one and one-half times the employee's regular base pay. Computation for overtime for employees other than sheriff's personnel shall be paid effective March 1, 1979. An employee may elect to apply to the department head for compensatory time off, in lieu of payment for overtime worked. Compensatory time off, if approved by the department head, shall be awarded at the rate of one and one-half the hours of overtime worked by the employee. The department head has the discretion to deny, in whole or in part, any appli-

cation for compensatory time off submitted by an employee of the department.

E. Department Heads. Each department head shall have the responsibility for maintaining records relating to overtime within the department. Each department head shall strive to avoid or limit overtime work within the department. Each department head may limit, according to departmental policy, the amount of compensatory time off granted to, or accumulated by, any employee.

F. Conflict. Should the provisions of the ordinance codified in this chapter conflict with the terms and conditions of any memorandum of understanding or similar agreement, which agreement or memorandum is executed by, and is binding on, the county, the provisions of such agreement or memorandum shall control. (Ord. 79-425-K § 3, 1979; Ord. 78-425-I § 1 (part), 1978; Ord. 72-425 § 7(F)(2), 1972.)

## 2.68.390

### PERS 1959 Survivors' Benefits Program.

A. A contract between the board of supervisors of Mono County and the Board of Administration, California Public Employees' Retirement System is authorized, of which the nature of the contract is the enrollment of all Mono County covered employees, elected officers, and appointed officers (excepting county peace officers) to be enrolled in the Public Employees' Retirement System 1959 Survivors' Benefits.

B. The enrollment will be effective the date which is next available as provided by the Public Employees' Retirement System. Subject to the exception in subsection A of this section, all covered employees, elected officials, and appointed officials who are in the service of Mono County prior to the effective date shall have the option, through ballot, as to whether to participate in this program. All covered employees, elected officials, and appointed officials who join the service of Mono County after the effective date shall automatically be participants of this program.

C. The chairman of the board of supervisors of Mono County is authorized, empowered, and directed to execute the contract for and on behalf of Mono County. (Ord. 85-425-X § 1, 1985.)